

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**VIRNETX INC. AND  
SCIENCE APPLICATIONS  
INTERNATIONAL CORPORATION**

**Plaintiffs,**

**v.**

**APPLE INC.,**

**Defendant.**

§  
§  
§  
§  
§  
§  
§  
§  
§  
§

**Civil Action No. 6:12-cv-855-RWS  
LEAD CONSOLIDATED CASE**

**JURY TRIAL DEMANDED**

**JOINT NOTICE OF AGREEMENTS REGARDING MOTIONS IN LIMINE**

The Parties have met and conferred and agree to the following regarding the filed motions in limine (Dkt. Nos. 312 & 313), subject to the Parties' rights to approach the Court before presenting such evidence. These motions in limine no longer need to be argued at the hearing on Tuesday, January 19, 2016. All remaining motions in limine are pending for the hearing. The Parties continue to meet and confer on all other motions in limine in the hopes of reaching further agreement before the hearing.

- **VirnetX's Motion in Limine C:** Any argument, testimony, evidence, reference, or suggestion that the claims of the patents-in-suit were drafted to cover any of Apple's products or services. Apple reserves the right to present such evidence to the bench (outside the context of the jury) for all purposes.
- **VirnetX's Motion in Limine E (subpart MIL No. 17):** Any argument, evidence, testimony, or reference involving live, physical demonstrations of alleged prior art or devices used to "show what prior art looked like."

Dated: January 18, 2016

/s/ Jason D. Cassady

Bradley W. Caldwell  
Texas State Bar No. 24040630  
E-mail: bcaldwell@caldwellcc.com  
Jason D. Cassady  
Texas State Bar No. 24045625  
E-mail: jcassady@caldwellcc.com  
John Austin Curry  
Texas State Bar No. 24059636  
E-mail: acurry@caldwellcc.com  
Daniel R. Pearson  
Texas State Bar No. 24070398  
Email: dpearson@caldwellcc.com  
Hamad M. Hamad  
Texas State Bar No. 24061268  
E-mail: hhamad@caldwellcc.com  
**CALDWELL CASSADY CURRY P.C.**  
2101 Cedar Springs Rd., Ste. 1000  
Dallas, Texas 75201  
Telephone: (214) 810-4705  
Telecopier: (214) 481-1757  
  
T. John Ward, Jr.  
Texas State Bar No. 00794818  
Email: jw@wsfirm.com  
Claire Abernathy Henry  
Texas State Bar No. 24053063  
Email: Claire@wsfirm.com  
**WARD, SMITH, & HILL, PLLC**  
P.O. Box 1231  
1127 Judson Rd., Ste. 220  
Longview, TX 75606  
Telephone: (903) 757-6400  
Facsimile: (903) 757-2323

Robert M. Parker  
Texas State Bar No. 15498000  
Email: rmparker@pbatyler.com  
R. Christopher Bunt  
Texas State Bar No. 00787165  
Email: rcbunt@pbatyler.com  
Charles Ainsworth  
Texas State Bar No. 00783521  
Email: charley@pbatyler.com

Respectfully submitted,

/s/ Joseph A. Loy

Gregory S. Arovas  
greg.arovas@kirkland.com  
Robert A. Appleby  
robert.appleby@kirkland.com  
Jeanne M. Heffernan  
jeanne.heffernan@kirkland.com  
Joseph A. Loy  
joseph.loy@kirkland.com  
**KIRKLAND & ELLIS LLP**  
601 Lexington Avenue  
New York, New York 10022  
Telephone: (212) 446-4800  
Facsimile: (212) 446-4900  
  
Michael E. Jones, *Lead Attorney*  
Texas Bar No. 10969400  
mikejones@potterminton.com  
Allen F. Gardner  
Texas Bar No. 24043679  
allengardner@potterminton.com  
**POTTER MINTON**  
A Professional Corporation  
110 N. College Avenue, Suite 500  
Tyler, Texas 75702  
Telephone: (903) 597-8311  
Facsimile: (903) 593-0846

**ATTORNEYS FOR APPLE INC.**

**PARKER, BUNT & AINSWORTH, P.C.**

100 East Ferguson, Suite 1114  
Tyler, Texas 75702  
Telephone: (903) 531-3535  
Telecopier: (903) 533-9687

**ATTORNEYS FOR PLAINTIFF  
VIRNETX INC.**

/s/ Arturo Padilla

Andy Tindel  
State Bar No. 20054500  
E-mail: atindel@andytindel.com  
**MANN, TINDEL & THOMPSON -  
ATTORNEYS AT LAW**  
112 E. Line, Ste. 304  
Tyler, TX 75702  
Telephone: (903) 596-0900  
Facsimile: (903) 596-0909

*Of Counsel:*

Donald Urrbazo (*Pro Hac Vice*)  
California State Bar No. 489509  
Email: donaldu@ulawpc.com  
Arturo Padilla (*Pro Hac Vice*)  
California State bar No. 188902  
Email: apadilla@ulawpc.com  
**URRABAZO LAW, P.C.**  
2029 Century Park East, Suite 1370  
Los Angeles, CA 90067  
Telephone: (310) 388-9099  
Facsimile: (310) 388-9088

**ATTORNEYS FOR PLAINTIFF  
LEIDOS, INC.**

**CERTIFICATE OF SERVICE**

The undersigned certifies that all counsel of record who have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system pursuant to Local Rule CV-5(a)(3) on this the 18th day of January 2016.

/s/ Jason D. Cassady  
Jason D. Cassady